Single Bench

IN THE HIGH COURT OF CHHATTISGARH

AT BILASPUR

Cr. M.P. NO. 180 **/2006**

PETITIONER : Smt. Sangita Gupata W/o Shri Sundeep Gupta, C/o aged about 25 years, C/o Sohan Lal Gupta, R/o Kumharpara, Jagdalpur Distt. - Bastar (C.G.).

5000/06 29/11/06 Money Mobi... Filed on ... by Shri ... 29/11/06 Advocate ... A. G. D. R. (J)

VERSUS

RESPONDENT : 1. Sudeep Gupta S/o D.P. Gupta, aged 35 year, R/o Sadar Bazar Chameli Chowk Dhamtatri

2. Subhash Gupta S/o Late Shri D.P. Gupta, age 46 year

3. Smt. Rashmi Gupta W/o Subhash Gupta, age 40 year

4. Neelu Gupta W/o Sdhir Gupta, age 34 year

5. Madhuri Gupta W/o Satish Gupta, age 44 year

6. Sudhir Gupta S/o Late D.P. Gupta, age 38 year

7. Gulabrai Gupta S/o Late Nathuram Gupta, age 62 year

8. Smt. Rewabai W/o Late D.P. Gupta, age 74 year

9. Umabai Gupta W/o Gulabrai Gupta, age 70 year

All R/o Sadar Bazar Chameli Chowk Dhamtari (C.G.).

10. Girdhar @ Praveen Kumar Gupta S/o Ramprasad Gupta, age 51 year, R/o Phrezurepur Shanti Nagar Jagdalpur Distt. Bastar (C.G.)

11. Sadhana Gupta W/o Kishore Kumar Gupta, age 45 year, R/o Nayapara Block Colony Makan No. H.T.4 B Jagadapur Distt. Bastar (C.G.)

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ARJUN SINGH NAG NOTARY BASTAR CIVIL DISTRICT JAGDALPUR, Dist. Bastar (C.G.)

12. Jyoti Gupta W/o Girdhar @ Praveen, age 49 year R/o Shanti Nagar Phreserepur House of Jwalasingh Jagdalpur Distt. Bastar (C.G.)

13. Keshav Kumar Gupta S/o Narmada Prasad Gupta, age 54 year R/o Plat No. 44 Yogendra Nagar Nagpur -13 P.S. Gitti Khadan –Nagpur Marashtra

14. Smt. Usha Gupta W/o Keshav Kumar Gupta, age 52 year R/o Plat No.- 44 Yogendra Nagar Nagpur- 13 P.S. Gitti Khadan Nagpur Maharashtra.

15. Kishore Kumar Gupta S/o Gulabrai Gupta, age 47 year, Nayapara Block Colony Jagdalpur

16. Satish Gupta S/o Late D.P. Gupta, age 44 year Sadar Bazar Chameli Chowk Dhamtari

17. Naveen Kumar Gupta S/o Late Ramprasad Gupta, age 64 year R/o Baishali Naagar, P.S.Supela Bhilai Distt. Durg (C.G.)

18. State of Chhattisgarh
Through: P.S. Jagdalpur Distt. Bastar (C.G.)

ARJUN SINGH BAG DIARY Dist. Bastar (C.G.)

APPLICATION UNDER SECTION 482 OF THE CRIMINAL PROCEDURE CODE

XI-HC-78

(1)

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.M.P.No.180/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -1-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.2.2007

Shri Subhash Yadav, counsel for the petitioner.

Heard on admission.

This petition is directed against the order dated 27.7.2006, passed in Criminal Revision No.94/2004 by the Fourth Additional Sessions Judge (FTC), Jagdalpur. The aforesaid criminal revision was filed by the petitioner/complainant against the order dated 2.7.2004 passed in Criminal Case No.1263/2003, by the Chief Judicial Magistrate, Jagdalpur. By the aforesaid order, the learned C.J.M. held that the alleged offence under Section 498-A IPC was committed under the territorial jurisdiction of Dhamtari Court, therefore, Dhamtari Court was having exclusive jurisdiction to try the case. However, even after holding so, he discharged the respondents by further holding that an offence under Section 498-A IPC is prima facie not made out against the respondents. Against this order, the complainant/petitioner herein had preferred the aforesaid criminal revision, which was partly allowed by the revisional Court. The revisional Court held that when the Magistrate has taken this view that he was not having territorial jurisdiction to try the case, then he should not have passed any orders on merits, as no prima facie case was made out against the respondents. The learned Fourth Additional Sessions Judge set aside that part of the order, by which, the learned Magistrate discharged the accused persons from the offence under Section 498-A IPC. However, he upheld the order of the Magistrate regarding territorial jurisdiction of Dhamtari Court.

Learned counsel for the petitioner submits that even after passing of such an order, the State is not taking any interest and the charge sheet

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.M.P.No. 180/2006 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

has not been filed in the Court of competent jurisdiction so far. He submits that since no specific order in this regard has been passed by the Sessions Judge, no action is being taken by the State. He refers to the last paragraph of the impugned order passed by the Session Judge.

In the last paragraph of the impugned order, the Sessions Judge has specifically mentioned as under :

> उपरोक्त वर्णित अनुसार अभियोजन संबंधित स्थानीय अधिकारिता रखने वाली आपराधिक न्यायालय में कार्यवाही किये जाने हेतु आवेदन कर सकती है ।

In view of what has been quoted by the Sessions Judge in the last paragraph of the order, it cannot be said that there is no order pertaining to filing of the charge sheet or taking further action in this matter. The Sessions Judge has clearly stated in the order that the prosecution is free to file appropriate application for going to the Court of competent jurisdiction. The intention of the Court is very much clear and unambiguous which is apparent on the face of the order itself.

In view of the said order, if so advised, the prosecution may take back the charge sheet from the Court of C.J.M., Jagdalpur and it may be filed before the court of competent jurisdiction in accordance with law and for that no further order is required.

With the aforesaid observations, this petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Sanita